

NOV-04-05 FRI 03:59 PM

RECEIVED
FAX NO. CENTRAL FAX CENTER P. 01/03

NOV 04 2005

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)

Applicant(s): **Ilynes et al.**

Docket No.

PREC-3612

Application No.
10/631,103

Filing Date
07/31/2003

Examiner
Brinson, Patrick F.

Group Art Unit
3754

Invention: **PERISTALTIC PRECISION METERING DEVICE, SYSTEM AND
METHOD OF USE THEREOF**

I hereby certify that this _____ **Species Restriction Election (2 pgs.)** _____

(Identify type of correspondence)

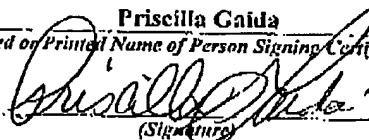
is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. **(571) 273-8300**)

on **November 4, 2005**

(Date)

Priscilla Gaida

(Typed or Printed Name of Person Signing Certificate)



(Signature)

Note: Each paper must have its own certificate of mailing.

NOV 04 2005

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hynes et al.

Art Unit: 3754

Serial No.: 10/631,103

Dkt. No.: PREC-3612

Filed: 07/31/2003

Examiner: Brinson, Patrick F.

Title: PERISTALTIC PRECISION METERING DEVICE, SYSTEM AND
METHOD OF USE THEREOF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SPECIES RESTRICTION ELECTION

By amendment hercin and in response to the species restriction requirement dated October 6, 2005, Applicants hereby provisionally elect, with traverse, species shown in Figs. 1-8. Claims 1-13, 15-18, 20-23, 25, 26 and 31-33 are generic.

Applicant submits that Figs. 1-8 and 9-11 are all the same species and thus restriction is improper. Figs. 1-8 are a subcombination of Figs. 9-11.

Applicants respectfully contend that the species restriction is improper and should be withdrawn, because a search and the examination of the entire application could be made without serious burden. See MPEP § 803, in which it is stated that "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits" (emphasis added). Applicants respectfully submit that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

S/N: 10/631,103

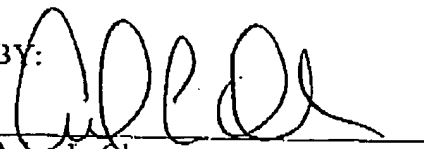
1

CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account No. 19-0513.

Respectfully submitted,
FOR: Hynes et al.

Date: 11-4-2005

BY: 
Arlen L. Olsen
Registration No. 37,543

Schmeiser, Olsen & Watts
3 Lear Jet Lane, Suite 201
Latham, New York 12110
(518) 220-1850